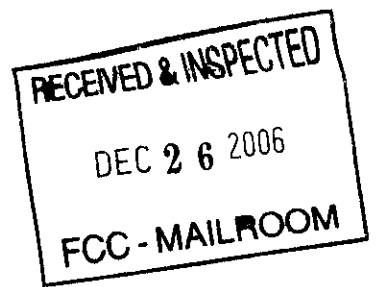


CONFIDENTIAL

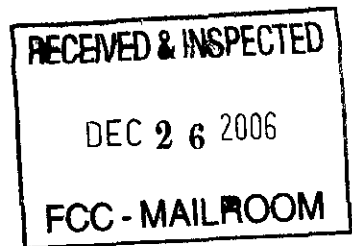


St. Fidelis School
124-06 14 Avenue
College Point, NY 11356
718-539-2628

CC Docket No. 02-6
CC Docket No. 96-45
Request for Review of USAC Decision

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List A B C D E _____

St. Fidelis School
124-06 14th Avenue
College Point, NY 11356



Form 471 application Number: 518553
Billed entity Number: 12229
Funding Request Number: 1427212

Contact Information
Sharon Imperati
124-06 14 Avenue
College Point, NY 11356
718-539-2628
FAX: 718-888-1524
EMAIL: simperati@stfidelis.org

Dear Sir or Madam,

This letter is to appeal the USAC action to deny funding for the following FRN according to Funding Commitment Decision Letter, Funding Year: 2006, dated October 3, 2006.

Form 471 Application Number: 518553
Funding Request Number: 1427212
Funding Status: Not Funded
Category of Service: Internet Access
SPIN: 143025807
Service Provider Name: METCOMM.NET, LLC

*Funding Commitment Decision: \$0.00 – Contract Violation
Funding commitment Decision Explanation: FCC rules require that a contract for the products/services be signed and dated by both parties prior to the filing of the Form 471. This requirement was not met.*

An appeal was made to USAC on October 11, 2006. On November 8, 2006, USAC denied the appeal.

Reason for appeal:

A contract for the products/services (Internet Access) was signed and dated by both the billed entity (St. Fidelis School) and the service provider (Metcomm.net) prior to the filing of the Form 471. Schools were encouraged to apply online and submit all relevant attachments online. I inadvertently attached the electronic file of the unsigned contract instead of the signed, dated contract.

At no time during Program Integrity Review or during the lengthy Selective Review process did anyone from USAC that I was in contact with mention the

fact that the *unsigned, undated* contract was attached. During the Selective Review Process, I submitted a narrative that described the meeting during which the contract was signed and dated, *before* the filing of Form 471. Along with my appeal to the USAC on October 11, 2006, I attached the correct contract, signed and dated before submitting Form 471, but the appeal was denied.

We have a signed contract, dated February 3, 2006, before filing Form 471, filed February 10, 2006. I am attaching a copy of the signed, dated contract.

I respectfully ask to have this information reviewed. Our school cannot provide Internet Access to our children without this funding. We have complied with all program rules; I just made a clerical error in submitting the wrong copy of the contract.

Thank you for your consideration of this appeal.

Sharon Imperati

Authorized Representative
Brother Robert Russo

 12/21/06
Principal
St. Fidelis School
718-539-2628

FUNDING COMMITMENT REPORT
Billed Entity Name: ST FIDELIS SCHOOL
BEN: 12229
Funding Year: 2006

Form 471 Application Number: 518553
Funding Request Number: 1427212
Funding Status: Not Funded
Category of Service: Internet Access
Form 470 Application Number: 251410000566471
SPIN: 143025807
Service Provider Name: METCOMM.NET, LLC
Contract Number: 200601251605
Billing Account Number: N/A
Service Start Date: 07/01/2006
Contract Expiration Date: 06/30/2007
Site Identifier: 12229
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$9,144.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$9,144.00
Discount Percentage Approved by the USAC: N/A
Funding Commitment Decision: \$0.00 - Contract Violation
Funding Commitment Decision Explanation: FCC rules require that a contract for the products/services be signed and dated by both parties prior to the filing of the Form 471. This requirement was not met.
FCDL Date: 10/03/2006
Wave Number: 024
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2007



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2006-2007

November 08, 2006

Sharon Imperati
St Fidelis School
124-06 14th Avenue
College Point, NY 11356

Re: Applicant Name: ST FIDELIS SCHOOL
Billed Entity Number: 12229
Form 471 Application Number: 518553
Funding Request Number(s): 1427212
Your Correspondence Dated: October 11, 2006

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2006 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1427212
Decision on Appeal: **Denied**
Explanation:

- Upon thorough review of the appeal letter and relevant documents, USAC has determined that, at the time you submitted your Form 471 application, you did not have a signed contract in place with your service provider. During the application review, the applicant was asked to provide copies of signed and dated contracts. In the response provided to USAC on May 31, 2006, the contract provided was not dated by the Applicant. FCC Rules state that a contract must be signed and dated by both parties on or after the Allowable Contract Date as calculated by the Form 470 posting date, but prior to the submission of the Form 471. In this case, you have not demonstrated that you have complied with FCC Rules; therefore, the appeal is denied.

- USAC has determined that, at the time you submitted your Form 471 application, you did not have a signed and dated contract for services in place with your service provider(s) for services other than tariffed or month-to-month services. FCC Rules require that applicants submit a completed FCC Form 471 "upon signing a contract for eligible services." 47 C.F.R. sec. 54.504(c). The FCC Rules further require that both beneficiaries and service providers must retain executed contracts, signed and dated by both parties. See Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Fifth Report and Order and Order, 19 FCC Rcd 15808, 15824-26, FCC 04-190 para. 48 (rel. Aug. 13, 2004). The FCC has consistently upheld USAC's denial of funding when there is no contract in place for the funding request. See Request for Review by Waldwick School District, Schools and Libraries Universal Service Support Mechanism, File No. SLD-256981, CC Docket No. 02-6, Order, 18 FCC Rcd. 22994, DA 03-3526 (rel. Nov. 5, 2003). The FCC Form 471 instructions under Block 5 clearly state that you MUST sign a contract for all services that you order on your Form 471 except tariffed services and month-to-month services. See Instructions for Completing the Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (November 2004) at page 23.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

*St. Fidelis School
124-06 14 Ave.
College Point, NY 11356*

Route
Tina
Delivery Point
TW-B204
12/26/06
14:48:10
OND
PO# ST. FIDELIS SCHOOL
7006010000143450252
W102004YVE

**RETURN RECEIPT
REQUESTED**

RECEIVED & INSPECTED
DEC 26 2006
FCC-MAILROOM

*Federal Communications Commission
Office of the Secretary
300 East Hampton Drive
Fayette Heights, MD 20743*

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE
CERTIFIED MAIL™
7006 0100 0001 4345 0252

same
1st Notice
2nd Notice
Return

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20743
\$4.88
00059340-08
DEC
FLUS
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